

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ALLAN MOONEY,)	
)	
)	
Plaintiff,)	No.: 0:13-cv-00648-DWF-JJG
)	
v.)	Judge: Hon. Donovan W. Frank
)	Magistrate Judge: Hon. Jeanne J. Graham
FRITO-LAY NORTH AMERICA, INC., and PEPSICO, INC.,)	
)	
)	
Defendants.)	
)	

**NOTICE OF FILING OF PLAINTIFF'S MOTION TO VACATE
CONDITIONAL TRANSFER ORDER (CTO-2) BEFORE THE JPML**

On April 19, 2013, Plaintiff Mooney filed a Motion to Vacate Conditional Transfer Order (CTO-2) before the United States Judicial Panel on Multidistrict Litigation (“JPML”). *See* Motion to Vacate Conditional Transfer Order (CTO-2), MDL No. 2413 (JPML), ECF No. 44. True and correct copies of the Motion to Vacate and its supporting papers are attached hereto as Exhibit 1.

Plaintiff’s motion to vacate the CTO-2 was timely, and Defendants’ response(s) will be due on or before May 10, 2013. *See* Notice of Filed Opposition to CTO-2 and Publication of Briefing Schedule, MDL No. 2413 (JPML), ECF No. 40. Plaintiff has also entered a statement of reasons why oral argument should be heard. *See* Rule 11.1 Statement of Reasons Why Oral Argument Should Be Heard On the Motion to Vacate Conditional Transfer Order (CTO-2), MDL No. 2413 (JPML), ECF No. 46. Oral

argument has not yet been scheduled. The next two upcoming hearing sessions of the JPML are scheduled for May 30, 2013 in Louisville, KY and July 25, 2013 in Portland, ME. The JPML has issued a Notice of Hearing Session scheduling matters for its May 30 session, not including Plaintiff's motion to vacate the CTO-2. *See* Notice of Hearing Session, United States Judicial Panel on Multidistrict Litigation, http://www.jpml.uscourts.gov/sites/jpml/files/Hearing_Order-5-30-13.pdf (last visited Apr. 22, 2013).

Respectfully submitted,

DATED: April 22, 2013

By: /s/ Paul R. Hansmeier
Paul R. Hansmeier (MN Bar #387795)
CLASS ACTION JUSTICE INSTITUTE, LLC
40 South 7th Street
Suite 212-313
Minneapolis, MN 55402
Telephone: (612) 234-5744
mail@classjustice.org
Attorney for Plaintiff